



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
PO BOX 2946
PORTLAND, OR 97208-2946

JUL 31 2020

SUBJECT: Funds Paid to the Oregon Department of Environmental Quality Under the Voluntary Cleanup Program Letter Agreement

Mr. Richard Whitman, Director
Oregon Department of Environmental Quality
700 Northeast Multnomah Street, Suite 600
Portland, Oregon 97232

Dear Mr. Whitman:

As you know from Colonel Aaron Dorf's letter of September 18, 2019, the U.S. Army Corps of Engineers (Corps) is conducting the cleanup of the Bradford Island site at Bonneville Lock and Dam under authorities conferred by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Executive Order 12580, which delegates CERCLA response authorities to Federal agencies. These authorities and other provisions of federal law did not, and do not, allow for the cost reimbursement arrangement set forth in the February 18, 1998 Voluntary Cleanup Letter Agreement. The Corps is not, and was not, legally permitted to pay Oregon Department of Environmental Quality's (DEQ's) costs under the Voluntary Cleanup Program. It follows that the Corps will not reimburse DEQ for further costs as described in letters from your staff dated June 25 and July 24, 2020; or future costs.

Thank you for your letter of December 6, 2019, in which you outlined the view of DEQ that the Corps must pay DEQ's costs for regulatory activities related to the Bradford Island cleanup. Although we have not changed our position, the Corps has carefully considered DEQ's position on payment of its costs.

Please reference my emails of May 27 and July 27, 2020. In these emails, I've tried to reach out to you to let you know that the Corps is not, and was not, legally permitted to pay DEQ's costs. Further, I provided a heads-up that all such costs paid previously would have to be recouped, as prescribed by federal law when unauthorized payments implicating the Anti-deficiency Act are made. By this letter, I am formally writing to inform you that we must seek repayment from DEQ of the expenses listed in the attached summary for those monies paid under the 1998 Letter Agreement (enclosure 1).

Within the next week, we will be processing the recoupment action in our Financial Management System. This will generate a bill in the sum of \$768,923.40. This bill will be automatically sent to you. An example bill is at enclosure 2. You will be asked for repayment to the U.S. Army Corps of Engineers Finance Center, by electronic funds

transfer within 30 days. After that timeframe, interest on the unpaid amount will begin to accrue at a rate established by the Department of the Treasury. My point of contact as listed below, will be happy to discuss or provide further instructions for making an electronic funds transfer, as well as provide information on how repayment may be made in installments, if requested.

I would like to emphasize that this matter does not affect the intent of the Corps to meet our CERCLA responsibilities for clean-up at Bradford Island. We will continue to offer DEQ full and meaningful opportunities to participate in planning for further response actions through review of work plans and reports, and to be involved in the meetings of the Technical Advisory Group (TAG) and managers meetings for Bradford Island. Let me point out, however, that the Corps cannot pay DEQ for this work.

As I've offered in past communications, I would be happy to meet with you to discuss this action and the work being done at Bradford Island. I would appreciate re-opening a line of communication with you. If you are interested, please let me know. I am also providing a copy of this letter to the new Portland District Commander, Colonel Mike Helton. Colonel Helton succeeded Colonel Dorf on July 21, 2020. If you'd prefer to reach out to Colonel Helton, I am confident that he'd be happy to meet and work with you.

My point of contact for arranging payment or questions about the process is our Acting Chief of Resource Management, Nathalie Watsek. She can be reached at: Nathalie.A.Watsek@usace.army.mil or (503) 808-4453. Thank you for your attention to this matter.

Sincerely,



Kevin J. Brice, P.E., PMP
Deputy District Engineer
for Project Management
Portland District

2 Enclosures

1. List of Payments Made to DEQ
2. Sample Collection Notice

ENCLOSURE 1

SUBJECT: Funds Paid to the Oregon Department of Environmental Quality Under the Voluntary Cleanup Program Letter Agreement

Invoice Number	Check Date	Check Amount	Invoice Number	Check Date	Check Amount
HSRAF02-0792	19-Feb-02	\$5,426.62	HSRAF10-0035	28-Jul-10	\$2,333.81
HSRAF02-0793	19-Feb-02	\$149.83	HSRAF10-0363	28-Jul-10	\$175.43
HSRAF02-0795	19-Feb-02	\$64.20	HSRAF10-0677	28-Jul-10	\$277.38
HSRAF02-0794	19-Feb-02	\$353.23	HSRAF10-1353	28-Jul-10	\$8,703.66
HSRAF02-1083	19-Feb-02	\$8,742.97	HSRAF10-1978	28-Jul-10	\$5,694.48
HSRAF02-1084	19-Feb-02	\$113.13	HSRAF10-2307	28-Jul-10	\$659.40
HSRAF02-2030	6-May-02	\$7,174.30	HSRAF10-3296	28-Jul-10	\$707.66
HSRAF02-2031	6-May-02	\$52.03	HSRAF10-2967	28-Jul-10	\$981.95
HSRAF02-2302	4-Jun-02	\$2,500.15	HSRAF10-3596	2-Sep-10	\$955.36
HSRAF02-2303	4-Jun-02	\$130.87	HSRAF10-1662	7-Sep-10	\$11,478.54
HSRAF02-1705	21-Jun-02	\$3,270.64	HSRAF11-0031	24-Jun-11	\$2,431.22
HSRAF02-1705	21-Jun-02	\$150.00	HSRAF11-0360	24-Jun-11	\$178.71
HSRAF02-2609	15-Jul-02	\$4,945.02	HSRAF11-0940	24-Jun-11	\$2,146.79
HSRAF02-2908	12-Sep-02	\$6,079.53	HSRAF11-1243	24-Jun-11	\$507.50
HSRAF02-3209	12-Sep-02	\$126.05	HSRAF11-1546	24-Jun-11	\$5,215.17
HSRAF02-3208	12-Sep-02	\$1,294.02	HSRAF11-1849	24-Jun-11	\$7,450.41
HSRAF03-0015	24-Sep-02	\$1,125.31	HSRAF11-2169	24-Jun-11	\$5,499.88
HSRAF03-0266	24-Sep-02	\$129.73	HSRAF11-2471	24-Jun-11	\$9,117.05
HSRAF03-0576	4-Dec-02	\$3,635.94	HSRAF11-2793	15-Jul-11	\$11,634.71
HSRAF03-0867	8-Jan-03	\$2,824.05	HSRAF11-3411	5-Oct-12	\$10,697.42
HSRAF03-0868	8-Jan-03	\$212.16	HSRAF12-0036	5-Oct-12	\$7,224.94
HSRAF03-0869	8-Jan-03	\$540.31	HSRAF12-0668	5-Oct-12	\$4,306.27
HSRAF03-1127	8-Jan-03	\$198.06	HSRAF12-0970	5-Oct-12	\$188.74
HSRAF03-1450	5-Mar-03	\$5,238.06	HSRAF12-1295	5-Oct-12	\$479.20
HSRAF03-1451	5-Mar-03	\$99.55	HSRAF12-1591	5-Oct-12	\$2,262.11
HSRAF03-1772	25-Mar-03	\$253.68	HSRAF12-1914	5-Oct-12	\$180.56
HSRAF03-1771	2-May-03	\$2,548.45	HSRAF12-3526	5-Oct-12	\$166.30
HSRAF03-1163	2-May-03	\$1,580.43	HSRAF13-0709	10-Dec-12	\$492.34
HSRAF03-1164	5-May-03	\$431.44	HSRAF13-1032	10-Dec-12	\$259.23
HSRAF03-2098	5-May-03	\$1,090.53	HSRAF13-2963	2-Aug-13	\$55.18
HSRAF03-2401	3-Jun-03	\$3,935.64	HSRAF13-3300	7-Aug-13	\$873.37
HSRAF03-2713	9-Sep-03	\$617.45	HSRAF13-3621	14-Aug-13	\$9,235.00
HSRAF03-3040	9-Sep-03	\$829.37	HSRAF14-0038	25-Sep-13	\$3,127.78
HSRAF03-3041	9-Sep-03	\$63.22	HSRAF14-0392	4-Nov-13	\$1,822.97
HSRAF03-3042	9-Sep-03	\$50.59	HSRAF14-1001	3-Jan-14	\$1,855.48
HSRAF03-3372	9-Sep-03	\$3,507.08	HSRAF14-1331	13-Jan-14	\$58.09
HSRAF03-3373	9-Sep-03	\$188.90	HSRAF14-1626	21-Feb-14	\$3,368.52
HSRAF04-0026	22-Sep-03	\$757.58	HSRAF14-1922	20-Mar-14	\$259.94
HSRAF04-0027	22-Sep-03	\$667.34	HSRAF14-2215	18-Apr-14	\$507.52
HSRAF04-0028	22-Sep-03	\$116.05	HSRAF14-2511	20-May-14	\$156.41
HSRAF04-0355	20-Oct-03	\$1,003.35	HSRAF14-2824	16-Jun-14	\$3,566.15
HSRAF04-0356	20-Oct-03	\$86.63	HSRAF14-3135	14-Jul-14	\$220.18
HSRAF04-0658	12-Dec-03	\$369.56	HSRAF14-3427	8-Sep-14	\$4,705.88
HSRAF04-0955	29-Dec-03	\$111.08	HSRAF15-0034	23-Sep-14	\$1,818.13
HSRAF04-1574	10-Mar-04	\$1,208.86	HSRAF15-0322	17-Oct-14	\$1,271.84
HSRAF04-1872	12-Apr-04	\$292.08	HSRAF15-0882	19-Dec-14	\$807.52
HSRAF04-2163	26-Apr-04	\$195.76	HSRAF15-1187	23-Jan-15	\$206.31
HSRAF04-2464	25-May-04	\$3,090.63	HSRAF15-1448	4-Mar-15	\$89.84
HSRAF04-2465	25-May-04	\$167.48	HSRAF15-2650	10-Jun-15	\$556.60
HSRAF04-2779	16-Sep-04	\$3,754.97	HSRAF15-2954	6-Jul-15	\$5,038.75
HSRAF04-3078	16-Sep-04	\$1,754.27	HSRAF15-3257	10-Aug-15	\$808.11
HSRAF04-3391	5-Oct-04	\$5,226.48	HSRAF16-0038	9-Sep-15	\$275.61
HSRAF05-0022	5-Oct-04	\$1,501.89	HSRAF16-0373	20-Oct-15	\$720.32
HSRAF05-0620	22-Dec-04	\$593.62	HSRAF16-1328	20-Jan-16	\$3,125.58
HSRAF05-0918	26-Jan-05	\$5,500.66	HSRAF16-1647	24-Feb-16	\$4,367.47
HSRAF05-1484	4-Apr-05	\$7,323.70	HSRAF16-1967	10-Mar-16	\$6,339.17
HSRAF05-2629	21-Jun-05	\$5,106.29	HSRAF16-2302	4-May-16	\$24,999.99
HSRAF05-2332	11-Jul-05	\$7,031.73	HSRAF16-2614	18-May-16	\$2,502.64
HSRAF05-1758	20-Jul-05	\$137.01	HSRAF16-2919	3-Jun-16	\$337.16
HSRAF05-2923	4-Aug-05	\$4,292.60	HSRAF16-3246	12-Jul-16	\$3,329.99
HSRAF05-3206	23-Aug-05	\$3,862.91	HSRAF16-3582	5-Aug-16	\$4,006.25
HSRAF06-0029	19-Oct-05	\$70.12	HSRAF17-0034	9-Sep-16	\$233.78
HSRAF06-0029	19-Oct-05	\$3,474.38	HSRAF17-0347	2-Nov-16	\$5,987.05
HSRAF06-0394	27-Oct-05	\$1,107.05	HSRAF17-0668	15-Nov-16	\$4,474.67

HSRAF06-1079	4-Jan-06	\$14,480.18	HSRAF17-0983	16-Dec-16	\$15,513.80
HSRAF06-1435	26-Jan-06	\$9,758.76	HSRAF17-1303	23-Jan-17	\$17,534.55
HSRAF06-1772	8-Mar-06	\$13,061.35	HSRAF17-1625	17-Feb-17	\$644.31
HSRAF06-2107	27-Mar-06	\$16,823.62	HSRAF17-1954	4-Apr-17	\$1,119.07
HSRAF06-2467	18-May-06	\$292.21	HSRAF17-2275	21-Apr-17	\$128.84
HSRAF06-3185	5-Oct-06	\$15.33	HSRAF17-2909	28-Jun-17	\$248.01
HSRAF07-0035	5-Oct-06	\$34,314.73	HSRAF17-3230	14-Sep-17	\$1,808.04
HSRAF07-0344	9-Jan-07	\$1,359.17	HSRAF17-3534	14-Sep-17	\$679.10
HSRAF07-0667	9-Jan-07	\$4,018.67	HSRAF17-0037	14-Sep-17	\$1,858.19
HSRAF07-1281	22-Jan-07	\$5,563.22	HSRAF18-0352	3-Nov-17	\$2,237.65
HSRAF07-0966	29-Jan-07	\$1,829.81	HSRAF18-0677	7-Nov-17	\$1,289.94
HSRAF07-1600	7-Dec-07	\$2,067.47	HSRAF18-0677	7-Nov-17	\$255.97
HSRAF07-1924	7-Dec-07	\$371.14	HSRAF18-0985	5-Jan-18	\$4,969.09
HSRAF07-2253	7-Dec-07	\$3,917.18	HSRAF18-1316	22-Jan-18	\$6,161.32
HSRAF07-2566	7-Dec-07	\$5,841.87	HSRAF18-1316	22-Jan-18	\$7,414.99
HSRAF07-2872	7-Dec-07	\$4,480.38	HSRAF18-1617	14-Feb-18	\$8,007.16
HSRAF07-3205	7-Dec-07	\$6,607.40	HSRAF18-1908	22-Mar-18	\$5,597.51
HSRAF07-3557	7-Dec-07	\$8,885.62	HSRAF18-2226	25-Apr-18	\$14,154.21
HSRAF08-0357	27-Mar-08	\$3,541.88	HSRAF18-2503	25-May-18	\$1,826.13
HSRAF08-0662	27-Mar-08	\$2,187.76	HSRAF18-2503	25-May-18	\$9,562.17
HSRAF08-0933	27-Mar-08	\$3,862.48	HSRAF18-2804	27-Jun-18	\$10,846.83
HSRAF08-1276	27-Mar-08	\$267.11	HSRAF18-3110	7-Aug-18	\$7,717.94
HSRAF08-1587	27-Mar-08	\$370.64	HSRAF18-3417	16-Aug-18	\$9,601.03
HSRAF08-1867	27-Mar-08	\$1,975.64	HSRAF19-0028	15-Oct-18	\$0.15
HSRAF08-0036	22-Sep-08	\$1,104.93	HSRAF19-0028	15-Oct-18	\$5,727.81
HSRAF08-2207	22-Sep-08	\$2,690.11	HSRAF19-0333	6-Nov-18	\$4,572.10
HSRAF08-2543	22-Sep-08	\$9,000.18	HSRAF19-0651	27-Nov-18	\$9,476.17
HSRAF08-2877	22-Sep-08	\$236.01	HSRAF19-0960	26-Dec-18	\$3,521.32
HSRAF08-3193	22-Sep-08	\$2,144.56	HSRAF19-1600	4-Mar-19	\$1,286.68
HSRAF08-3523	22-Sep-08	\$5,182.31	HSRAF19-1905	18-Apr-19	\$8,051.64
HSRAF09-0028	22-Sep-08	\$103.51	HSRAF19-2234	18-Apr-19	\$4,982.07
HSRAF09-0351	3-Nov-09	\$1,563.86	HSRAF19-2532	5-Jun-19	\$14,105.51
HSRAF09-0695	3-Nov-09	\$1,770.34	HSRAF19-2839	24-Jun-19	\$14,328.70
HSRAF09-1021	3-Nov-09	\$163.70	HSRAF19-3179	22-Jul-19	\$11,802.12
HSRAF09-1338	3-Nov-09	\$140.87	HSRAF19-3487	16-Aug-19	\$321.85
HSRAF09-1973	3-Nov-09	\$4,818.42	HSRAF19-3487	16-Aug-19	\$3,262.40
HSRAF09-2315	3-Nov-09	\$292.21	HSRAF20-0043	4-Oct-19	\$12,024.73
HSRAF09-2655	3-Nov-09	\$1,648.56	HSRAF20-0360	28-Oct-19	\$13,480.91
HSRAF09-2655	3-Nov-09	\$1,934.33	HSRAF20-0360	28-Oct-19	\$2,985.96
HSRAF09-3004	3-Nov-09	\$184.64	HSRAF20-0675	18-Nov-19	\$18,640.60
HSRAF09-3337	28-Jul-10	\$232.38	HSRAF20-1030	26-Dec-19	\$3,811.07
HSRAF09-3653	28-Jul-10	\$80.20	REFUND OF INV 150		\$(3,811.07)

Total **\$768,923.40**

Statement Of Account

Page 1 of 1

From: USACE FINANCE CENTER
 USAED PORTLAND
 5722 INTEGRITY DRIVE
 MILLINGTON TN 38054-5005

Phone: 901-873-9114
 Fax: 901-873-9273

Acct No: 009978G2 NA

Bill Number: 3004071

Billing Date: 29-Jul-2020

Make check to:

Finance & Accounting Officer, USACE, USACE FINANCE CTR & LOGISTICS ACTY CTR

Date Due: 28-Aug-2020

To:

Date Printed: 30-Jul-2020 16:29

Obligation Vendor (1)

Bill Desc: APPROPRIATION REFUND

Date	Description of Current Charges	Amount
	Obli Li No: 1 NON-GTR TRAVEL COSTS	
	Collection Type: APPROPRIATION REFUND	\$247.65
	Remittance Type: APPROPRIATION REFUND	
	Accounting Classification: 096 NA X 4902.0000 08 2432 C 96352 NA 21T2 B52LGD	

Remarks: PER DISTRICT AUDIT FINDINGS, NO MIE WAS DUE EMP FOR DATES 8-20 APR. OVERPAID 247.65 POC:

Payment of this bill is due and payable upon receipt. In accordance with the Debt Collection Act of 1982, payment not received on or before 28-Aug-2020 will be assessed an interest charge at the rate of 2.00% per annum, computed from the date of this bill. In addition, a one-time \$15 administrative (handling) fee is charged on all delinquent accounts. An additional 6% per annum penalty is also assessed on accounts over 90 days delinquent. The initial penalty is computed retroactive to the due date of the bill and will be assessed if payment is not received on or before 27-Nov-2020.

Balance Forward	Current Charges	Taxes	Interest	Penalty	Admin Fee	Pay This Amount
\$0.00	\$247.65		\$0.00	\$0.00	\$0.00	\$247.65

Bill Print Statistics and Errors**Execution Statistics**

Bills attempted: 1
Bills printed: 1
Bills w/errors: 0

Bill Number Error Message
